

Slifka does not teach a golf bag carrier for use on a motorcycle. Slifka does not even come close to teaching the device of the instant invention. In the first place, Slifka teaches only a bottom support that attaches to the passenger foot pedal and does not teach a carrier at all. Slifka requires that the bag be mounted on the base, and then the bag is held in place with a number of straps. Further, the mounting of the golf bag is vertical, causing problems with wind resistance and also with the movement of the bag owing to the movement of the wind around the motorcycle as it is moving. Slifka's mounting is not a stable mounting. Further, Slifka's mounting requires the bag to be vertical and this places the center of gravity of the bag, the device, and the rider higher on the motorcycle. Finally, the Slifka device requires that the passenger foot pedal be modified wherein the device of the instant invention does not.

The device of the instant invention does not require any straps or other mechanical means for holding the golf bag in the carrier. Further, the type of device of the instant invention allows for the golf bag to be essentially laid parallel with the long axis of the motorcycle, which essentially prevents the movement of the golf bag by the wind moving around the motorcycle as it moves, and it further lowers the center of gravity of the bag, the device and the rider.

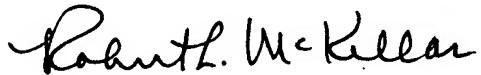
The Examiner combines Brown with Slifka to make the case that the Brown reference can be used to lend rigidity and sturdiness to the Slifka device. Brown, in spite of the fact that it appears to be sturdier and more rigid, is not combinable with Slifka because Slifka is not a carrier and substantial changes to Slifka would have to be made to provide a carrier for a golf bag. In addition, Brown requires the use of mechanical means (i.e. straps) to hold the golf bag in place.

In response to the rejections in paragraph 6 of the office action, the applicant would state that it would not have been obvious to determine the appropriate angle that needed to be formed between the U-shaped support members aligned with the foot pegs and the longitudinal axis of the motorcycle if the issue was not before the inventor. What is meant, is that neither Slifka, nor Brown deal with the side mounted device of this invention and therefore, they would not have been faced with the issue of the appropriate angle to place the carrier relative to the long axis of the motorcycle. This obviousness would be in place only if one skilled in the art had the instant invention in front of them

and such a determination had to be made based upon the inventive device. The issue does not arise in either of the cited references. Such a rejection is based solely on hindsight after having the advantage of the disclosure of the instant specification and claims.

In view of the above, the applicant requests that the Examiner withdraw the rejections and allow the claims to issue.

Respectfully submitted,

A handwritten signature in cursive script, reading "Robert L. McKellar".

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For USSN 10/646,138 in the name of Frank Dean, entitled: GOLF BAG CARRIER FOR A MOTORCYCLE, response under rule 1.111 consisting of 3 pgs., substitute pg. 5, 4pgs. status of claims, return receipt postcard.

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